

Message

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**From:** Payne, James [payne.james@epa.gov]  
**Sent:** 10/16/2019 3:23:02 PM  
**To:** Dunn, Alexandra [dunn.alexandra@epa.gov]; Fischer, David [Fischer.David@epa.gov]  
**CC:** Cole, Joseph E. [cole.josephe@epa.gov]  
**Subject:** Fwd: Center for Environmental Health et al v. Wheeler et al (Malathion) - Order Denying Motion to Dismiss - privileged/work product/FOIA exempt  
**Attachments:** 62 - Order Denying MTD.pdf; ATT00001.htm; CEH.Fed Defs Reply Brief ISO MTD.pdf; ATT00002.htm; CEH.IntervenorDefendants Joinder Reply in MTD.pdf; ATT00003.htm; CEH.Plaintiffs\_Opp\_MTD\_exhibits1-5.pdf; ATT00004.htm; CEH.Plaintiff\_Opp\_MTD\_Exhibits6-10).pdf; ATT00005.htm; CEH.CLA\_MTD\_joinder\_brief.3.4.19.pdf; ATT00006.htm; CEH.renewed\_MTD.2.15.19.pdf; ATT00007.htm; CEH. Second Am Complaint.pdf; ATT00008.htm

Sent from my iPhone

Begin forwarded message:

**From:** "Cole, Joseph E." <cole.josephe@epa.gov>  
**To:** "Payne, James" <payne.james@epa.gov>  
**Cc:** "Perlis, Robert" <Perlis.Robert@epa.gov>, "Knorr, Michele" <knorr.michele@epa.gov>  
**Subject:** FW: Center for Environmental Health et al v. Wheeler et al (Malathion) - Order Denying Motion to Dismiss - privileged/work product/FOIA exempt

FYI – we'll get you some more on this later, but I wanted to give you a heads-up on this decision as we'll want to mention to OCSPP today. The first document should be the order (summarized well by DoJ below); Michele provided the additional case materials for some background.

Joe

Begin forwarded message:

**From:** "Finnegan, Alison C. (ENRD)" <Alison.C.Finnegan@usdoj.gov>  
**Date:** October 15, 2019 at 5:12:04 PM EDT  
**To:** Shawn Finley <shawn.finley@sol.doi.gov>, "Knorr, Michele" <knorr.michele@epa.gov>  
**Cc:** "Flax, Meredith (ENRD)" <Meredith.Flax@usdoj.gov>  
**Subject:** FW: Center for Environmental Health et al v. Wheeler et al (Malathion) - Order Denying Motion to Dismiss - privileged/work product/FOIA exempt

Attorney-Client Privileged/Work Product/FOIA Exempt

Hi Shawn and Michele,

I regret to report that the Court denied the motion to dismiss in its entirety. A copy of the decision is attached.

**Ex. 5 AC/AWP**

**Ex. 5 AC/AWP**

# Ex. 5 AC/AWP

-Alison

**From:** [ECF-CAND@cant.uscourts.gov](mailto:ECF-CAND@cant.uscourts.gov) [mailto:[ECF-CAND@cant.uscourts.gov](mailto:ECF-CAND@cant.uscourts.gov)]

**Sent:** Tuesday, October 15, 2019 3:56 PM

**To:** [efiling@cant.uscourts.gov](mailto:efiling@cant.uscourts.gov)

**Subject:** Activity in Case 4:18-cv-03197-SBA Center for Environmental Health et al v. Wheeler et al Order on Motion to Dismiss

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opinions.**

**U.S. District Court**

**California Northern District**

## **Notice of Electronic Filing**

The following transaction was entered on 10/15/2019 at 12:56 PM and filed on  
9/30/2019

**Case Name:** Center for Environmental Health et al v. Wheeler et al  
**Case Number:** 4:18-cv-03197-SBA  
**Filer:**  
**Document Number:** 62

**Docket Text:**

**ORDER by Judge Sandra Brown Armstrong denying [51] Defendants' Motion to Dismiss Second Amended Complaint. (fs, COURT STAFF) (Filed on 9/30/2019)**

**4:18-cv-03197-SBA Notice has been electronically mailed to:**

**Alison C Finnegan** [alison.c.finnegan@usdoj.gov](mailto:alison.c.finnegan@usdoj.gov),  
[efile\\_wmrs.enrd@usdoj.gov](mailto:efile_wmrs.enrd@usdoj.gov)

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**Stephanie M. Parent** [sparent@biologicaldiversity.org](mailto:sparent@biologicaldiversity.org),  
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**4:18-cv-03197-SBA Please see Local Rule 5-5; Notice has NOT been electronically mailed to:**

**The following document(s) are associated with this transaction:**

**Document description:**Main Document

**Original filename:**N:\DOCS\18-03197 - Ctr. for Envir. Health - Order Denying MTD.pdf

**Electronic document Stamp:**

[STAMP CANDStamp\_ID=977336130 [Date=10/15/2019] [FileNumber=16318434-0  
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